

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§1251 et seq.); the "CWA", and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

**Massachusetts Bay
Transportation Authority
Ten Park Plaza
Boston, MA 02116-3974**

**Massachusetts Bay Commuter
Railroad Company
32 Cobble Hill Road, Suite 3
Somerville, MA 02143-4431**

**Garden Corporation
1 Fleet Center Place, Suite 200
Boston, MA 02114
(Storm Water Pollution
Prevention Plan only)**

is authorized to discharge from the facility located at

**North Station Railroad Terminal
135 Causeway Street
Boston, MA 02116**

to receiving water named

Charles River

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective 60 days after signature.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit supersedes the permit issued on October 3, 1984.

This permit consists of 10 pages in Part I including effluent limitations, monitoring requirements and 35 pages in Part II including General Conditions and Definitions.

Signed this 23rd day of January, 2004

SIGNATURE ON FILE

Linda M. Murphy, Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

Director
Division of Watershed Management
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

PART I

A.1. During the period beginning the effective date and lasting through expiration, the permittee is authorized to discharge from outfall serial number 001 , treated storm water and treated garage sump water to the Charles River. Such discharges shall be limited and monitored as specified below.					
<u>EFFLUENT CHARACTERISTIC</u>	<u>EFFLUENT LIMITS</u>			<u>MONITORING REQUIREMENTS</u>	
PARAMETER	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE TYPE</u> ^{2, 6}
Flow (mgd)	***	***	16	1/MONTH ³	Estimate ¹
Oil & Grease (mg/l)	***	***	15	1/MONTH ³	Grab
pH (SU)	See Part I.A.1.b., Page 3			1/MONTH ³	Grab
Fecal Coliform Bacteria (colony forming units/100 ml)	***	***	Report	1/MONTH ⁴ (Dry) 1/QUARTER ⁵ (Wet)	Grab
Chemical Oxygen Demand (COD) (mg/l)	***	***	Report	1/QUARTER ⁵	Grab
Iron (mg/l)	***	***	Report	1/QUARTER ⁵	Grab
Total Magnesium (mg/l)	***	***	Report	1/QUARTER ⁵	Grab
Manganese (mg/l)	***	***	Report	1/QUARTER ⁵	Grab
Total Phosphorus (mg/l)	***	***	Report	1/QUARTER ⁵	Grab

Footnotes:

- Flow shall be estimated for each monitoring event using accepted engineering techniques.

2. All samples, with the exception of flow and dry weather fecal coliform bacteria, are to be grabs taken within 30 minutes of discharge where practicable, but in no case later than the first hour of discharge. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.
3. Sample frequency of once per month (1/Month) is defined as a sampling of one (1) significant rainstorm (as defined in Footnote 2) in each calendar month.
4. Fecal Coliform Bacteria should be sampled once per month (1/Month) during dry weather conditions.
5. Sample frequency of one per quarter (1/Quarter) is defined as a sampling of one (1) significant rainstorm (as defined in Footnote 2) in each quarter (January-March, April-June, July-September, October-December).
6. Samples taken in compliance with the monitoring requirements specified above shall be taken at the downstream end of the oil/water separator prior to discharge into the Charles River.

Part I.A.1. (Continued)

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
 - b. The pH of the effluent shall not be less than 6.5 nor greater than 8.3 standard units (SU), unless these values are exceeded due to natural causes.
 - c. There shall be no discharge of floating solids or visible foam.
 - d. There shall be no visible sheen of oil or grease on the receiving waters or the adjacent sediments which would be attributable to the permittee.
 - e. The discharge shall not cause objectionable color, odor or turbidity to the receiving waters.
2. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

- (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or
 - (4) Any other notification level established by the Director in accordance with 40 CFR §122.44(f).
 - b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) Five hundred micrograms per liter (500 ug/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or
 - (4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f).
 - c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.
3. This permit may be modified, or revoked and reissued, on the basis of new information in accordance with 40 CFR §122.62.

B. STORM WATER POLLUTION PREVENTION PLAN REQUIREMENT

1. A joint Storm Water Pollution Prevention Plan (SWPPP) shall be developed by the MBTA and MBCR. A separate SWPPP shall also be developed by the Garden Corporation for the property under their control which discharges to the oil/water separator discharge subject to this permit. The SWPPP shall be prepared in accordance with good engineering practices and identify potential sources of pollutants, which may reasonably be expected to affect the quality of storm water discharges at the facility and to assure compliance with the terms and conditions of this permit. The goal of the SWPPP is to help identify the sources of pollutants in the storm water discharge and to ensure practices are being

implemented to minimize pollutants from entering the storm water discharge.

2. The Plan(s) shall be completed, signed and submitted to EPA and MADEP within 90 days after the effective date of this permit; the plan should be modified as necessary during the life of the permit. A current copy of the plan shall be maintained at the facility by each party.
3. The SWPPP shall include, at a minimum, the following items:
 - a. Description of Potential Pollutant Sources - The plan must provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The description must specifically address each pollutant for which monitoring is required (See I.A.1) but is not limited to the listed pollutants. Each plan must identify all activities and significant materials, which may potentially be significant pollutant sources. Each plan shall include:
 - i. A drainage site map indicating: a delineation of the drainage area of each storm water outfall, each existing structural control measure to reduce pollutants in storm water runoff, locations where significant materials are exposed to storm water, locations where significant leaks or spills have occurred, a delineation of all impervious surfaces, all surface water bodies, all separate storm sewers, and the locations of the following activities where such areas are exposed to storm water: fueling stations, vehicle and equipment maintenance and/or cleaning areas, material handling areas, process areas and waste disposal areas.
 - ii. A topographic map extending one-quarter of a mile beyond the property boundaries of the facility;
 - iii. An estimate of the overall runoff coefficient for the site, determines by an acceptable method, such as, but not limited to, area weighting.
 - iv. A narrative description of significant materials that have been treated, stored or disposed of in a manner to allow exposure to storm water between the time of three (3) years prior to the issuance of this permit to the present; method of on-site storage or disposal; materials management practices employed to minimize contact of these materials with storm water runoff between the time of three (3) years prior to the issuance of this permit and the present; materials loading and access areas; the location and description of existing structural and nonstructural control

measures to reduce pollutants in storm water runoff; and
description of any treatment the storm water receives;

- v. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at the facility three (3) years prior to the effective date of this permit to the present;
 - vi. A list of any pollutants limited in effluent guidelines to which a facility is subject under 40 CFR Subchapter N, any pollutants listed on an NPDES permit to discharge process water, and any information required under 40 CFR 122.21(g)(iii)-(v).
 - vii. For each area of the facility that generates storm water discharges with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow and an estimate of the types of pollutants, which are likely to be present in storm water;
 - viii. A summary of existing sampling data describing pollutants in storm water discharges from the facility;
 - ix. A list of any allowable non-storm water discharges, except discharges from fire fighting activities that are known or are reasonably expected to be present at the site. Allowable non-storm water discharges are limited to fire hydrant flushings; external building washdown that do not use detergents; lawn watering; uncontaminated ground water; springs; air conditioning condensate; potable waterline flushings; irrigation drainage; and foundation or footing drains where flows are not contaminated with process materials, such as solvents, or contaminated by contact with soils, where spills or leaks of toxic or hazardous materials has occurred. If any of these discharges may reasonably be expected to be present and to be mixed with storm water discharges, they must be specifically identified and addressed in the facility's SWPPP.
- b. Storm Water Management Controls - Each facility must develop a description of storm water management controls appropriate for the facility and implement such controls. The appropriateness for implementing controls listed in the Plan must reflect identified potential sources of pollutants at the facility. The description of storm water management controls must address the following minimum components, including a schedule for implementing such controls:
- i. Pollution Prevention Team - Each plan must identify a specific individual(s) within the facility organization as members of a team

that are responsible for developing the Plan and assisting the plant manager in its implementation, maintenance, and revision. The Plan must clearly identify the responsibilities of each team member. The activities and responsibilities of the team must address all aspects of facility's Plan.

- ii. Risk Identification and Assessment/Material Inventory - The SWPPP must assess the potential of various sources at the plant to contribute pollutants to storm water discharge associated with the industrial activity. The Plan must include an inventory of the types of materials handled. Each of the following must be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations, outdoor manufacturing or processing activities, significant dust or particulate generating processes, and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water, and the history of significant leaks or spills of toxic or hazardous pollutants.
- iii. Preventative Maintenance - A preventative maintenance program must involve inspections and maintenance of storm water management devices (i.e. oil/water separators, catch basins, track mats) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdown or failures resulting in discharges of pollutants to surface waters.
- iv. Good Housekeeping - Good housekeeping requires the maintenance of a clean orderly facility.
- v. Spill Prevention and Response Procedure - Areas where potential spills can occur and their accompanying drainage points, must be identified clearly in the SWPPP. The potential for spills to enter the storm water drainage system must be eliminated whenever feasible. Where appropriate, specific material handling procedures, storage requirements, and procedures for cleaning up spills must be identified in the Plan and made available to the appropriate personnel.
- vi. Storm Water Management - The Plan must contain a narrative consideration of the appropriateness of traditional storm water management practices. Based on an assessment of the potential of various sources at the facility to contribute pollutants to the storm water discharge, the Plan must provide that measures, determined to be reasonable and appropriate, must be implemented and maintained.

- vii. Sediment and Erosion Prevention - The Plan must identify areas which; due to topography, activities, or factors; have a high potential for significant soil erosion and identify measures to limit erosion.
 - viii. Employee Training - Employee training programs must inform personnel responsible for implementing activities identified in the Plan, or otherwise responsible for storm water management at all levels, of the components and goals of the Plan. Training should address topics such as spill response, good housekeeping and material management practices. The Plan must identify periodic dates for such training.
 - ix. Visual Inspections - Qualified plant personnel must be identified to inspect designated equipment and plant areas. Material handling areas must be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow up procedure must be used to ensure that the appropriate action has been in response to the inspection. Records of inspections must be maintained for five (5) years.
 - x. Recordkeeping and Internal Reporting Procedures - Incidents such as spill, or other discharges, along with other information describing the quality and quantity of storm water discharges must be included in the records. All inspections and maintenance activities must be documented and maintained on site for at least five (5) years.
- c. Site Inspection - An annual site inspection must be conducted by appropriate personnel named in the SWPPP to verify that the description of potential pollutant sources required under part B.1 is accurate, that the drainage map has been updated or otherwise modified to reflect current conditions, and controls to reduce pollutants in storm water discharges identified in the Plan are being implemented and are adequate. A tracking or follow-up procedure must be used to ensure that the appropriate action has been taken in response to the inspection. Records documenting significant observations made during the site inspection must be retained as part of the SWPPP for a minimum of five (5) years.
- d. Consistency with Other Plans - Storm water management controls may reflect requirements for Spill Prevention Control and Counter-measure (SPCC) plans under Section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by an NPDES permit and may incorporate any part of such plans into the SWPPP by reference.

- e. Amending the Plan - The permittee shall immediately amend the Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the State; a release of reportable quantities of hazardous substances and oil; or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges. Changes must be noted and then submitted to EPA and/or MADEP. Amendments to the Plan may be reviewed by EPA and/or MADEP. If the Plan is reviewed the permittee may be notified at any time that the Plan does not meet one or more of the minimum requirements. After such notification by the EPA and/or MADEP, the permittee shall make changes to the Plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided by the EPA and/or MADEP, the permittee shall have thirty (30) days after such notification to make the necessary changes.

C. MONITORING AND REPORTING

Monitoring results obtained during the previous quarter shall be summarized for each quarter and reported on separate Discharge Monitoring Report Form(s) (DMRs) postmarked no later than the 15th day of the month following the completed reporting period. The first report is due on the 15th of the month following the first full quarter that the permit is in effect.

Standard reporting quarters are: January 1- March 31, April 1 - June 30, July 1 - September 30, and October 1- December 31.

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director at the following address:

Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

The State Agency address for all reports is:

Massachusetts Department of Environmental Protection
Northeast Regional Office
Bureau of Waste Prevention
One Winter Street
Boston, MA 02108

Signed and dated Discharge Monitoring Report Form(s) and all other reports required by this permit shall also be submitted to the State at:

Massachusetts Department of Environmental Protection
Division of Watershed Management
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, Massachusetts 01608

D. STATE PERMIT CONDITIONS

This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) under Federal and State law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MA DEP pursuant to M.G.L. Chap.21, §43.

Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of this Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this Permit is declared, invalid, illegal or otherwise issued in violation of State law such permit shall remain in full force and effect under Federal law as a NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this Permit is declared invalid, illegal or otherwise issued in violation of Federal law, this Permit shall remain in full force and effect under State law as a Permit issued by the Commonwealth of Massachusetts.